

DELAWARE WATER GAP NATIONAL RECREATION AREA
NATURAL GAS PIPELINE ENLARGEMENT ACT

DECEMBER 12, 2005.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 3124]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3124) to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Delaware Water Gap National Recreation Area Natural Gas Pipeline Enlargement Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) CORPORATION.—The term “Corporation” means the Columbia Gas Transmission Corporation.

(2) PIPELINE.—The term “pipeline” means that portion of the pipeline of the Corporation numbered 1278 that is—

(A) located in the Recreation Area; and

(B) situated on 2 tracts designated by the Corporation as ROW No. 16405 and No. 16413.

(3) RECREATION AREA.—The term “Recreation Area” means the Delaware Water Gap National Recreation Area in the Commonwealth of Pennsylvania.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) SUPERINTENDENT.—The term “Superintendent” means the Superintendent of the Recreation Area.

SEC. 3. EASEMENT FOR EXPANDED NATURAL GAS PIPELINE.

(a) **IN GENERAL.**—The Secretary may enter into an agreement with the Corporation to grant to the Corporation, an easement to enlarge the diameter of the pipeline from 14 inches to not more than 20 inches.

(b) **TERMS AND CONDITIONS.**—The easement authorized under subsection (a) shall—

(1) be consistent with—

- (A) the recreational values of the Recreation Area; and
- (B) protection of the resources of the Recreation Area;

(2) include provisions for the protection of resources in the Recreation Area that ensure that only the minimum and necessary amount of disturbance, as determined by the Secretary, shall occur during the construction or maintenance of the enlarged pipeline;

(3) be consistent with the laws (including regulations) and policies applicable to units of the National Park System; and

(4) be subject to any other terms and conditions that the Secretary determines to be necessary.

(c) **PERMITS.**—

(1) **IN GENERAL.**—The Superintendent may issue a permit to the Corporation for the use of the Recreation Area in accordance with subsection (b) for the temporary construction and staging areas required for the construction of the enlarged pipeline.

(2) **PRIOR TO ISSUANCE.**—The easement authorized under subsection (a) and the permit authorized under paragraph (1) shall require that before the Superintendent issues a permit for any clearing or construction, the Corporation shall—

(A) consult with the Superintendent;

(B) identify natural and cultural resources of the Recreation Area that may be damaged or lost because of the clearing or construction; and

(C) submit to the Superintendent for approval a restoration and mitigation plan that—

(i) describes how the land subject to the easement will be maintained; and

(ii) includes a schedule for, and description of, the specific activities to be carried out by the Corporation to mitigate the damages or losses to, or restore, the natural and cultural resources of the Recreation Area identified under subparagraph (B).

(d) **PIPELINE REPLACEMENT REQUIREMENTS.**—The enlargement of the pipeline authorized under subsection (a) shall be considered to meet the pipeline replacement requirements required by the Research and Special Programs Administration of the Department of Transportation (CPF No. 1–2002–1004–H).

(e) **FERC CONSULTATION.**—The Corporation shall comply with all other requirements for certification by the Federal Energy Regulatory Commission that are necessary to permit the increase in pipeline size.

(f) **LIMITATION.**—The Secretary shall not grant any additional increases in the diameter of, or easements for, the pipeline within the boundary of the Recreation Area after the date of enactment of this Act.

(g) **EFFECT ON RIGHT-OF-WAY EASEMENT.**—Nothing in this Act increases the 50-foot right-of-way easement for the pipeline.

(h) **PENALTIES.**—On request of the Secretary, the Attorney General may bring a civil action against the Corporation in United States district court to recover damages and response costs under Public Law 101–337 (16 U.S.C. 19jj et seq.) or any other applicable law if—

(1) the Corporation—

(A) violates a provision of—

- (i) an easement authorized under subsection (a); or
- (ii) a permit issued under subsection (c); or

(B) fails to submit or timely implement a restoration and mitigation plan approved under subsection (c)(3); and

(2) the violation or failure destroys, results in the loss of, or injures any park system resource (as defined in section 1 of Public Law 101–337 (16 U.S.C. 19jj)).

PURPOSE OF THE BILL

The purpose of H.R. 3124 is to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of its natural gas pipeline located within the Delaware Water Gap National Recreation Area.

BACKGROUND AND NEED FOR LEGISLATION

Columbia Gas Transmission Corporation (Columbia) is one of the primary interstate pipeline suppliers in Pennsylvania. In 1947, Columbia installed a 14-inch diameter pipeline known as Line 1278 in then rural areas of Pike, Northampton and Monroe Counties in Pennsylvania. Portions of this area were included in the Delaware Water Gap National Recreation Area, established in 1965. The National Recreation Area is administered by the Secretary of the Interior, acting through the National Park Service.

Today, Line 1278 has become an important part of Columbia's energy delivery system to key eastern markets. In 2002 and 2003, the Department of Transportation (DoT) directed Columbia regarding Line 1278, including additional testing, additional cathodic protection and replacement of portions of the pipeline. DoT ordered that the replacement be completed in 2007. To comply with the DoT instructions, Columbia in December 2003 filed an application with the Federal Energy Regulatory Commission to replace about 43 miles of the pipeline—including 3.5 miles of the line that now lie within the National Recreation Area.

Currently, Line 1278 runs through 14 tracts under the terms of the right-of-way (ROW) agreements obtained from private landowners prior to the creation of the Recreation Area. Agreements affecting 12 of the 14 tracts include language allowing Columbia to increase the diameter of the pipeline. Two of the agreements, representing about 890 feet of pipeline, did not include such authorization.

The Secretary of the Interior currently lacks the authority to enter into modification agreements for the existing ROW to allow an increase in the diameter of Line 1278. To complete the pipeline replacement, Columbia is requesting legislation to authorize the Secretary of the Interior to modify existing ROW agreements it holds with Columbia to allow an increase in the diameter of Line 1278 from 14 inches to 20 inches.

COMMITTEE ACTION

H.R. 3124 was introduced on June 29, 2005, by Congressman Don Sherwood (R-PA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks. On November 16, 2005, the Committee on Resources met to consider the bill, at which time the Subcommittee on National Parks was discharged from further consideration of the bill by unanimous consent. Congressman Stevan Pearce (R-NM) offered an amendment to assure that the National Park Service maintains its authority for cost recovery. The amendment was adopted by unanimous consent. The bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. **Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of this bill would increase offsetting receipts and direct spending, but “any net change in direct spending would be negligible.”

3. **General Performance Goals and Objectives.** This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. **Congressional Budget Office Cost Estimate.** Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 3124—Delaware Water Gap National Recreation Area Natural Gas Pipeline Enlargement Act

H.R. 3124 would authorize the National Park Service (NPS) to issue an easement and a construction permit to the Columbia Gas Transmission Corporation. These documents would enable the corporation to increase the diameter of a natural gas pipeline that crosses the Delaware Water Gap National Recreation Area in Pennsylvania.

Based on information provided by the NPS, CBO estimates that implementing H.R. 3124 would have no significant effect on the federal budget. We expect that the cost of providing an easement and a construction permit to the Columbia Gas Transmission Corporation would be less than \$100,000 and would be offset by additional administrative fees. Enacting H.R. 3124 would not affect revenues or direct spending.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On November 22, 2005, CBO transmitted a cost estimate for S. 1310, the Delaware Water Gap National Recreation Area Natural Gas Pipeline Enlargement Act, as ordered reported by the Senate Committee on Energy and Natural Resources on November 16, 2005. The two bills are very similar, as are the cost estimates.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

